

## REMARKS

Claims 1-9 and 11-17 are previously pending.

Claims 1-9 and 11-17 are rejected.

Claims 1-4, 8, 11 and 16-17 stand rejected as being obvious under 35 U.S.C. § 103 in view of White, Fratto I and Carson and further in view of the Cisco Reference. Claims 5-7, 9 and 12-15 stand rejected as being obvious over the above combination of references and further in view of Fratto II. Applicant traverses the rejections.

Considering formal matters first, applicant notes that minor changes are made by amendment hereby to the specification at pages 7 (for agreement with drawing's reference designator) and 9 (for agreement in number of object and adjective), thereby to make the specification read better. Applicant also respectfully acknowledges the Examiner's citation of the Cisco reference and withdraws his previous challenge to the Examiner's official notice as regards allocation of channels of a hunt group across multiple access servers.

Applicant will briefly summarize the prior art teachings cited by the Examiner in combination as having taught applicant's invention.

White teaches mixed digital and analog channels or lines or calls 94 connecting one or more access servers 96, 98 into a common central office switch 54 (Figure 7) and contains no teachings regarding access server maintenance, channel usage monitoring or busying-out and re-routing around a given access server to be maintained.

Carson teaches (POTS) analog voice line pool-wide (all-lines) administration by use of forced-busying of all channels in each station and forced-idling of all stations in the pool and contains no teachings regarding mixed digital and analog calls of lines or channels. (Carson does not even relate to digital communications, e.g. access servers, ISPs, network connections, etc., but relates instead only to voice communications.) Carson also contains no teachings regarding routing voice incoming calls to other facilities, teaching to the contrary that all incoming calls must wait and are thus ignored for the duration of the pool-wide administration. Thus, Carson teaches nothing selective about incoming call routing and fails to suggest alternative call routing around a facility that is being maintained to minimize adverse impacts on users or customers.

Fratto I teaches updating modem operating parameters by downloading changes after forcing a busying-out of all modems in a given rack or chassis without regard to the level or fact of its use at the time the command is given and contains no teachings regarding mixed

digital and analog channels or lines or calls and monitoring usage and awaiting substantial non-use before invoking maintenance.

Fratto II teaches *the need for* a scheduler of off-line maintenance for a given access server—but fails to teach such a scheduler (as is recited in claims 5-7 and 12-15) and certainly fails to teach one of ordinary skill in the art how to design such a scheduler that would operate with such a maintenance apparatus as is claimed by applicant. Thus, Fratto is not a teaching prior art reference capable of rendering claim 12 obvious to those of ordinary skill in the art *none of whom before applicant proposed a solution to the problem of how to provide scheduled maintenance of mixed-use (digital and analog) access servers with minimal impact on users/customers.*

Moreover, Fratto II—which was only potential prior art against the instant application and at was at best redundant to the other cited prior art—is hereby removed as prior art by a Prasad Y. Chebrolu Declaration, as will be discussed below.

Applicant hereby amends claims 1, 8 and 16 to better define his invention. Specifically, amended claims 1, 8 and 16 cover a case in which maintenance is performed on “a network access server having associated channels carrying incoming digital or analog traffic” (amended claim 1) or “calls” (amended claim 8) or “either or a digital and an analog call as indicated by defined digital and analog signaling protocols” (amended claim 16) and monitor a used associated channel therefore, waiting until the channel becomes substantially unused “as indicated by defined digital and analog signaling protocols comprehended by [such] monitoring” (amended claims 1, 8 and 16).

None of the record prior art, including Fratto I, teaches anything about adapting analog (typically analog modem) call handling and maintenance to mixed, analog (PC with modem) and digital (PC with ISDN terminal adapter) call handling and maintenance in connection with one or more access servers and a router/switch. Thus, applicants’ amendment hereby to claims 1, 8 and 16 so that each recites a further distinguishing limitation regarding the mixed-use character of the incoming calls to the network access server more clearly describes applicant’s invention and renders them clearly patentable. No new matter is added. Specifically, independent claims 1, 8 and 16 require that the monitoring be for either of a digital and an analog call thereon, the indication being defined by digital and analog signaling protocols. See Specification at page 6, lines 20-31. None of the record prior art teaches anything about such mixed-use (digital and analog) call monitoring as is broadly taught by applicant.

Accordingly, applicant submits that amended claims 1, 8 and 16, as well as those claims depending therefrom, are allowable.

Attached hereto is a Prasad Y. Chebrolu Declaration swearing under penalty of perjury that his claimed invention was conceived prior to the Priority Date (the Fratto II publication date) and thereafter diligently reduced to practice. Specifically, sole inventor Chebrolu had his claimed invention in hand in the form of a workable-design disclosure prepared by him prior to Fratto II's April 5, 1999 publication date. The referenced written disclosure proves applicant's claim of prior invention, as it provides a sufficiently detailed design description for one of ordinary skill in the pertinent art to practice the invention without undue trial or experimentation. Applicant notes that the automatic scheduler feature also is described, a scheduler teaching found nowhere else in the known prior art. Even if Exhibit A to the Chebrolu Declaration is not deemed a reduction to practice of the invention, diligence reduction no later than November 1999 is shown by Exhibits B and C, which document the development of the claimed busyout mechanism continuously from the March 1999 conception through the November working software implementation (source code listing) and its subsequent release as part of the bundled, multi-featured hardware/software Atlantis AS4500 product. Accordingly, applicant submits that the Fratto II reference should be withdrawn and that amended claims 5-7 (requiring such automatic scheduling) and claims 12-15 (ditto) are allowable.

Thus, applicant submits that with Fratto II removed as prior art to the present application and without any record prior art teachings regarding automatic scheduling of access server maintenance, as recited, automatic scheduler-specific claims 5-7 and 12-15 are allowable.

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Accordingly, all pending claims are deemed allowable, some rejections having been overcome by amendment and others having been overcome by sworn testimony. Allowance of all pending claims is urgently solicited.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Name